**IN THE HIGH COURT OF UTTARANCHAL**
**AT NAINITAL**

Criminal Writ Petition No. 816 of 2006 (M/S)

Parvez Alam S/o Hafiz Ahmad
R/o House No. 308 Gali No. 64
Mohalla Mallupura
Police Station Civil Line
Muzaffarnagar (U.P.) ... Petitioner

Vs

1. State of Uttaranchal through S.S.P. Haridwar
2. Smt. Malka Tarunnam Jahan
   W/o Parvez Alam D/o Late Banne Miyan
   Presently R/o Piran Kaliyar
   Police Station Kotwali Roorkee
   District Haridwar ... Respondents

**Hon'ble B.C. Kandpal, J.**

This writ petition has been filed by the petitioner who is the husband of the respondent No. 2 seeking the relief in the nature of certiorari quashing the impugned order dated 31.08.2004 passed by Family Judge, Roorkee, District Haridwar in case No. 23 of 2004 Malka Tarunnam Vs Parvez Alam under Section 125 of Cr.P.C.

2. Sri Vivek Shukla, learned counsel for the petitioner has argued that after the aforesaid impugned order, the respondent No. 2 again started living with him but she deserted the petitioner again and stated living separately. It is also argued by the learned counsel for the petitioner that the respondent No. 2 has admitted the factum of divorce in the petition filed by her under Section 127 Cr.P.C.

3. I do not find any averment in the petition in which it has been mentioned that when respondent No. 2 started living with the petitioner again and what was the reason that she deserted the petitioner for second time. The date of the

desertion has also not been disclosed by the petitioner. The argument advanced by the learned counsel for the petitioner thus appears to be devoid of any force.

4. The amount of maintenance awarded by the Family Judge does not require any interference.

5. However, I do not intend to interfere in the judgment and order passed by the Family Judge granting maintenance to the respondent No. 2 as well as the infant daughter.

6. I do not find any merit in the petition, the petition lacks merit and is liable to be dismissed.

7. Accordingly, the writ petition is dismissed. Judgment and award passed by the Family Judge, Roorkee, District Haridwar is hereby confirmed.

**(B.C. Kandpal, J.)**

04.07.2006
ASWAL